

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

HOWARD ELLIS,

Plaintiff,

v.

JAMES BENEDETTI, et al.,

Defendants.

Case No. 3:08-cv-00657-MMD-WGC

ORDER

Before the Court is Plaintiff Howard Ellis' Motion for Production of Transcripts at Government Expense. (Dkt. no. 339.) Plaintiff asks the Court to direct the court reporter to prepare transcripts of all proceedings in this case to enable him to pursue his appeal. "[T]he expenditure of public funds [on behalf of an indigent litigant] is proper only when authorized by Congress." *Tedder v. Odol*, 890 F.2d 210, 211 (9th Cir. 1989) (quoting *United States v. MacCollom*, 426 U.S. 317, 321 (1976)). The 9th Circuit has held that U.S.C. § 1915 does not authorize waiver of payments or fees of expenses for certain trial proceedings. *Id.* at 211 (citing *Johnson v Hubbard*, 698 F.2d 286, 289 (6th Cir. 1983), cert. denied, 464 U.S. 917 (1983) (court in dicta referred to transcripts as part of trial proceedings that the "constitution does not require a court, or in practical terms, the federal government, to pay for at the request of the indigent party.") Plaintiff is seeking a waiver of fees for transcripts of all proceedings, but this relief is not authorized under section 1915.

1 It is therefore ordered that Plaintiff's Motion for Production of Transcripts at
2 Government Expense (dkt. no. 339) is denied.

3 DATED THIS 8th day of June 2015.

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6 MIRANDA M. DU
7 UNITED STATES DISTRICT JUDGE
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